

286.3-905 Filing of application to acquire bank with executive director -- Examination of applicant -- Cooperative agreements by executive director to examine out-of-state bank or exchange confidential information.

- (1) Any bank holding company which proposes to acquire control of a bank chartered in this state or a bank holding company which includes a bank chartered in this state, shall concurrently file with the executive director copies of the application filed with the federal reserve board under applicable federal law. The executive director shall approve such acquisition within ninety (90) days of acceptance of a complete application if he finds that:
 - (a) The terms of the acquisition are in accordance with the laws of this state;
 - (b) The financial condition, or the competence, experience, and integrity of the acquiring company or its principals are such as will not jeopardize the financial stability of the acquired bank or bank holding company;
 - (c) The public convenience and advantage will be served by the acquisition; and
 - (d) No federal regulatory authority whose approval is required has disapproved the transaction because it would result in a monopoly or substantially lessen competition.
- (2) A nonrefundable fee shall accompany each application and shall be set by the executive director in accordance with KRS 286.3-480.
- (3) The executive director may examine or elect to participate in a joint examination, with the applicable federal or state regulatory agency, of any holding company or nonbank subsidiary of the holding company that controls or is affiliated with a state-chartered bank. The provisions of KRS 286.3-690 apply to the holding company or nonbank subsidiary of the holding company that controls or is affiliated with a state-chartered bank.
- (4) The executive director may enter into cooperative agreements with federal or state regulatory authorities to examine an out-of-state bank that is controlled by a Kentucky bank holding company or is controlled by a bank holding company which includes a state-chartered bank, or accept reports of examinations of such out-of-state banks from federal or state regulatory authorities in lieu of conducting examinations.
- (5) The executive director may enter into cooperative agreements with federal or state regulatory authorities to exchange confidential information and reports of examination relating to interstate acquisitions of banks and bank holding companies.
- (6) The cost of an examination shall be assessed against and paid by the company examined. The assessment for the examination shall be calculated in the same manner as that used for bank examinations.

Effective: July 15, 1998

History: Amended 1998 Ky. Acts ch. 196, sec. 20, effective July 15, 1998. -- Amended 1986 Ky. Acts ch. 444, sec. 13, effective July 15, 1986. -- Created 1984 Ky. Acts ch. 130, sec. 3, effective July 13, 1984.

Formerly codified as KRS 287.905.

Legislative Research Commission Note (7/12/2006). In accordance with 2006 Ky. Acts ch. 247, secs. 38 and 39, this statute has been renumbered as a section of the Kentucky Financial Services Code, KRS Chapter 286, and KRS references within this statute have been adjusted to conform with the 2006 renumbering of that code.

Legislative Research Commission Note (6/20/2005). 2005 Ky. Acts chs. 11, 85, 95, 97, 98, 99, 123, and 181 instruct the Reviser of Statutes to correct statutory references to agencies and officers whose names have been changed in 2005 legislation confirming the reorganization of the executive branch. Such a correction has been made in this section.